Pam- Korea- Foreign Rel.

CHINA AND KOREA.

BY

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AND
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With compliments of the author

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A vacancy having occurred in the position of Foreign Advisor to the King of Korea and Inspector of Customs, and His Majesty having requested His Excellency Li Chung Tang to procure the services of another, I was in July 1885 invited to the post. I entered upon the duties of Advisor—the Customs branch of the position having been placed under the Customs of China before my arrival in the East—with the assurance that in my efforts to preserve peace and good order and in all that pertained to the prosperity of Korea I should have the cordial support of the Viceroy, an assurance which, I regret to say, has not been verified.

On the contrary from the very first, I have met with almost every conceivable kind of opposition from Chinese sources. The failure of the Viceroy to keep his promise in this regard I am at a loss to understand, unless it is due to the Peking government's disapproval of his Korean policy. In view of this, and the fact that China's course seems so unwarrantable and unjust, as well as against the best interests of Korea and China, I determined to avail myself of the present occasion to publicly point out—all efforts of a private character having failed—the dangerous ground China is trying to occupy, and to present Korea's side of the controversy, with a view to correcting if possible, some of the accepted fallacies on the situation in the peninsular Kingdom and its relations with

the Celestial Empire which have been so often misrepresented in the native and some of the foreign newspapers in China during the past two or three years, through design or under a misapprehension of the law as well as the facts. In doing this, the harsher the criticism may appear to be the more it is to be regretted that they are merited. First—I shall notice Chinas claim to vassal or dependent relations with Korea. Second—The former's treatment of her so-called vassal. Third—The charge that the King is weak and unfit to govern the country, and before I have finished I shall endeavor to show that the former is about as fictitious, as the latter is without foundation. As Korea, in the exercise of a right which none but sovereign and independent states possess, concluded a treaty of friendship, navigation, and commerce with Japan, independently of China, and later on with Western countries in accordance with international usage, the rights acquired and the obligations assumed must be determined by the laws which have always governed the enforcement of such compacts; in the light of these defined and well settled rules it will be in order to inquire into some of the rights, powers, and responsibilities of a sovereign state, and how vassal relations are established, as well as into the duties and obligations a dependent state owes to its suzerain in order to more clearly determine the political status of Korea. In general terms, a sovereign or independent state is defined by almost all authors on international jurisprudence to be any nation or people, whatever the character or form of its constitution may be, which governs itself independently of other nations, while Wheaton, who ought to be the best authority in this case as China has adopted him as her standard author, says "Sovereignty is the supreme power by which any state is governed "this supreme power may be exercised either internally or ex- "ternally. Internal sovereignty is that which is inherent in the "people of any state or is vested in its ruler by its municipal con- "stitution or fundamental laws. External sovereignty consists in

"the independence of one political society in respect to all other "political societies; and it is by the exercise of this branch of sove- "reignty that the international relations of one political society are "maintained in peace and in war with all other political societies."

A nation which has always managed its internal as well as external concerns in its own way, free from the interference or dictation of any foreign power, is juridically independent, and must be ranked in the category of sovereign states. The unerring test, however, of a sovereign and independent state, is its right to negotiate, to conclude treaties of friendship, navigation, and commerce; to exchange public ministers; and declare war and peace with other sovereign and independent powers. These are rights and conditions compatible and consistent with sovereignty which, when possessed by a state, place it in the great family of independent nations; while states which do not possess such powers must be ranked as semi-independent or dependent according to the *expressed terms of the agreement.* An advocate of vassalage in the North China Daily News, some months ago, in support of his position, used substantially the following language.—"At the end "of the 17th and beginning of the 18th centuries, the sanction of "the Chinese Emperor had to be obtained before the successor "chosen by the King of Korea could receive the title of Heir- "Apparent, and then could not assume the title of King until it "was conferred on him by Peking." The correspondent states the case much stronger than the facts warrant. If he had put it in the form of a request, a graceful act by a tributary state, rather than on the basis of an imperative obligation to the Peking government, he would have been more in accord with the facts. But whether he over or under stated them makes no material difference, as relations of vassalage were never established by the commands of a superior in exceptional cases or through the deferential acts of an inferior. Liu Kiu, Annam, and Burmah, in the history of China's precarious claims to vassalage over those states,

did the same thing, and to-day the first named forms a part of the sovereignty of the empire of Japan, the second belongs to the Republic of France, while the third recently passed to the sovereign control of Great Britain. Wheaton on the law of nations states the case infinitely stronger against the correspondent than the latter does in favor of China's contention, when he says.—"The "sovereignty of a particular state is not impaired by its occasional "obedience to the commands of other states, or *even the habitual* "*influence exercised by them over its councils.* It is only when this "obedience or this influence assumes the form of *express compact* "that the sovereignty of the state inferior in power is legally affected "by its connection with the other." John Austin, a modern writer of considerable celebrity on international law, in one of his able lectures delivered in London in 1873, states the case with equal clearness when he says.—"A feeble state holds its inde- "pendence precariously or at the will of the powerful states to whose "aggressions it is obnoxious, and since it is obnoxious to its aggres- "sions it and the bulk of its subjects render obedience to com- "mands which they occasionally express or intimate; but since "the obedience and commands are comparatively few and rare, "they are not sufficient to constitute the relation of sovereignty "and subjection between the powerful states and the feeble state "with its subjects. In spite of those commands, and in spite of "that obedience, the feeble state and its subjects are an indepen- "dent political society whereof the powerful states are not the "sovereign portion, although the powerful states are perma- "nently superior, and although the feeble state is permanently "inferior, there is neither the habit of command nor a habit of "obedience on the part of the latter, and although the latter is "unable to defend and maintain its independence, the latter is "independent of the former in fact or practice." The only vassal or dependent relations recognised by the law of nations are those resulting from conquest, international agreement, or convention,

of some kind, and as such relations do not exist between the two countries by virtue of either one of these requirements, and in all reasonable probability will never be established by agreement or convention, it remains to be seen whether they will exist in future by conquest. Korea, however, is a tributary state of China: relations which have been sustained in the past, with the utmost good faith, and which Korea desires in all sincerity to continue so long as China's treatment is generous, friendly, and just. But the tributary relations one state may hold to another do not and cannot in any degree affect its sovereign and independent rights. For this reason, the tribute annually paid by Korea to China does not impair Korean sovereignty or independence any more than the tribute now paid by the British government to China, on account of Burmah, impairs the sovereign and independent rights of the British Empire, or the tribute formerly paid by the principal maritime powers of Europe to the Barbary States affected the sovereign rights and independence of those European powers. Wheaton says, concerning the Barbary States, that.—"While they "are anomalous in character, yet their occasional obedience to the "commands of the Sultan, accompanied with irregular payments "of tribute, does not prevent them from being considered by the "Christian powers of Europe and America as independent states, "with whom the international relations of war and peace are main- "tained on the same footing with other Mohammedan sovereign- "ties." There are good and valid reasons why Korea desires to preserve the traditional relations of close friendship with China which have so happily existed between the two countries so long. Their geographical positions under friendly intercourse make them a source of strength to each other, while the fact that Korea has drawn largely upon China's population, language, religion, laws, education, arts, manners, and customs, which have contributed so much to the sum total of Korean civilization, all combine to strengthen the chain of attachment and cause her to look to China,

as in the past, for friendly advice rather than in any other direction; and in my judgement *nothing will interrupt this friendship but a continuation of the illegal and highhanded treatment Korea is now receiving at the hands of the Chinese, and their studied and persistent attempts to destroy Korean sovereignty by absorbing the country.* It was due to the faith which the King had in China's professions of friendship for Korea that induced His Majesty, when the advisability of making treaties with Western countries was pressed upon him, to take counsel of the distinguished Viceroy at Tien Tsin, and I know of my own knowledge that it was due to a similar faith in the King that induced the Chung Tang to advise the establishment of such relations as the surest means of improving the condition of the country and people, as well as of preserving the sovereign rights of his kingdom; and later on, when the first of the Western treaties came to be negotiated—which was with America—the Viceroy was invited as the friend of the King, and as having the broadest experience in such important matters, to assist in the negotiations. Two drafts were submitted to that convention for consideration, one by the Viceroy and the other by the special envoy who conducted the negotiations for the United States. The very first clause in the Viceroy's draft was a demand for the recognition of vassal or dependent relations between China and Korea, which the agent of the U. S. government declined to consider or even discuss further than to say that as his mission was to make a treaty of commerce and friendship with an independent state, such a treaty he would make or none at all. Notwithstanding this, the Viceroy urged the approval of this dependent clause to a point beyond which he could not go, without breaking off negotiations, when he yielded, and the treaty was then concluded upon the basis of other independent states, and was signed at Chemulpo May 22nd 1882. Even if vassalage had been acknowledged in the American treaty by the negotiators, it would not have received the approval

either of the U. S. government or the King of Korea. The next treaty that Korea made was in October following, with China and at the latters request, and while this treaty has been denominated, "rules for the land and water commerce between the trading populations of China and Korea," and while there is the usual mystification and vagueness pervading it that characterizes all of China's intercourse with the peninsular Kingdom, yet it comes nearer being a treaty of friendship, navigation, and commerce than anything else, as I shall endeavor to point out further on. Treaties with other countries followed in quick succession in the general tenor of the American one, which were however discussed and concluded, not at Tien Tsin but in Seoul, without reference to the Viceroy or the Chinese government. Had vassalage existed between the two countries in accord with international jurisprudence at the time the American treaty was made does anyone at all versed in public affairs suppose that the Viceroy would have tried so hard to procure their acknowledgement by a friendly power in a public treaty? No, the attempt was based solely on the utter weakness of the contention, which no one appreciated more fully than the Viceroy himself. After the ratification of the American treaty the question of dependency, for the moment at least, seems to have been abandoned; at all events arrangements were at once made for the enforcement of the stipulations of the treaty: ports were opened, a customs service established by the King, with Inspector, Commissioners and a full staff of officers for the work. Diplomatic representatives were appointed as treaties were ratified, who from time to time, presented their credentials and took their respective places at His Majesty's court in Seoul, and among them was the representative of China with the title of His Imperial Chinese Majesty's Commissioner printed on his card and appointed in pursuance of the treaty already referred to. This official continued in an unassuming way to represent his government upon terms of equality with his

colleagues for more than two years, when he was succeeded by the present Commissioner Yuan—for supposed meritorious services rendered his government in the disturbances of 1884—who, for a short time, followed in the foot-steps of his predecessor; but the honor so suddenly thrust upon him seems to have inflated him to such an extent that serious consequences might have resulted to him had not his indiscreet enthusiasm found vent in the resurrection of the dependency scheme, which, for the credit of his government, ought never again to have come to the surface; for if the conclusion of Japanese and American treaties upon the basis of Korean independence, every article of the latter having been approved by the Viceroy, followed by similar treaties with the leading powers of Europe, and China having shared in their practical operations for two and a half years, did not honorably settle it, the question ought to have finally disappeared when the Li-Ito convention adjourned, by the terms of which China disposed of whatever right she had left—without the consent of Japan—to send troops to Korea, the only means as a last resort, every independent nation possesses of enforcing its sovereign rights when assailed or called in question. Some time in 1885, after I had been invited to Korea but before my arrival, a policy of absorbtion, gradual or otherwise, seems to have been decided upon by the Peking government. The position of advisor and inspector of customs was seggregated, and the Customs service passed to the control and direction of the Chinese service under the plausible assurance that it would be better and more economically administered, and that there was no political significance to be attached to the change, and while the service has been honestly and well administered under the change, yet no one act, since the conclusion of the treaties, has contributed so much to mislead the public mind in regard to the true relations existing between China and Korea politically, than this ill-advised one on the part of the Korean government.

Neither in the meanwhile, was Commissioner Yuan idle, for

it was about this time that he adopted as a title for his Legation that miserable misnomer and subterfuge "Residency", and in the most insolent way claimed to advise and even direct the King in long-winded memorials, and upon public and official occasions to assume the role of host instead of guest, on the flimsy pretext that he is "at home" in Korea.

But it is asserted that vassalage is distinctly acknowledged in the treaty sometimes called "the overland trade regulations" above alluded to. Now I assert with much confidence, that if that convention establishes anything so far as this question is concerned, it is exactly the contrary to this. While there are only eight rather lengthy articles in that treaty, yet, as already observed, they cover about all that is necessary in an ordinary treaty of friendship, commerce, and navigation. Under the 1st Art China has dispatched her Commissioner with diplomatic powers to Seoul, and Consuls to all the open ports to guard the interests of Chinese merchants and other subjects. The second article yields to China exterritorial privileges for her subjects, similar to those enjoyed by the citizens and subjects of the most favoured nations. Art. 3rd permits the merchant ships of both countries to visit the open ports of the other fixes the duties to be paid, provides for relief in case of shipwrecks, regulates the conduct of fishing vessels, &c. Art. 4th permits merchants of either country to visit the open ports of the other, for the purposes of trade, where they may purchase lands and houses, provides tonnage dues as well as reexport tariff, inhibits trade at the capitals of both countries, compels merchants wishing to purchase native produce in the interior to first obtain permits of their Consuls, while persons desiring to travel in either country for pleasure must be provided with passports. Art. 7th provides for the dispatch once a month to Korea of a vessel belonging to the China merchants Company, and permits Chinese Men-of-War to repair to the open ports of Korea for the purpose of protecting China's consuls and other residents. In

the text of this treaty there is not only no reference to vassalage or dependency, but the demands and concessions made exclude the existence of such relations at the time it was concluded.

If China believed in the validity of vassal relations, can it be supposed that provisions would have been made for ex-territorial privileges and passports for Chinese subjects in Korea? certainly not; for to have done so would have presented the spectacle of a sovereign state demanding ex-territorial rights and privileges for her own subjects within her own sovereignty, which is the very acme of absurdity. The only reference to vassalage is in a preamble published at the head of the treaty, which may or may not have been in its present form at the time the treaty was signed. This extraordinary preamble begins as follows.—"Korea "has long been one of *our* vassal states, and in all that concerns "rights and observances there are already fixed prescriptions which "require no change." Can this be the language of a high joint convention created, not to sign away the sovereign rights of a nation but to protect them in in its intercourse with a neighbouring state? It seems rather the ex-parte assertion of a fallacy than any proof of the existence of a fact. But the closing paragraph of this preamble, if anything, is still more remarkable. It reads,—

"It is understood that the present rules are to be viewed in "the light of a favour granted by China to a dependent state, and "are not in the category of favoured nation treatment applied to "other states." Is it a favour to Korea for that state to grant ex-territorial privileges to the subjects of China while the latter lays claim to *vassalage over the former?* Is it a favour to Korea to permit Chinese Men-of-War to repair to her open ports to protect Chinese Consuls and other residents? and, finally, is it a favour to overrun the Korean Capital with Chinese merchants, while there is not a Korean merchant in all China? There is an additional reason why this preamble must be viewed with suspicion, and that is this: as the Viceroy was one of the plenipotentiaries who con-

cluded the treaty, it is quite out of the range of reason to believe that that distinguished official could have been a party to the assertion that the rules alluded to in the preamble, "are not in the category of favoured nation treatment applied to other states", for hardly five months before this he discussed and sanctioned as the professed friend of Korea the XIV Art. of the American treaty, which provides as follows.—"The high contracting powers here-"by agree that should at any time the King of Chosen grant to "any nation or to the merchants or citizens of any nation any "right, privilege, or favour connected either with navigation com-"merce, political or other intercourse which is not conferred by this "treaty, such right, privilege or favour shall freely inure to the "benefit of the U. S. its public officers, merchants, and citizens." But said the most eminent statesman of the Celestial Empire recently.—"Korea is a vassal of Chiua's, because upon the conclu-"sion of treaties with Western countries the King gave to the "plenipotentaries who conducted the negotiations autograph letters "to be conveyed to the heads of their respective governments in "which such relations were admitted." Here again I must take issue with the assertion, even though it is made by so eminent a personage as Li Chung Tang. It is true that just prior to signing the American treaty an autograph letter was handed down by the King to be delivered with it to the president of the U. S., but that letter admitted nothing more than the King now asserts, namely, that Korea is a tributary state of China, but which as I have endeavored to point out, does not affect, much less destroy, the sovereign rights of a state, while it asserts in language that cannot be minsunderstood the sovereign and independent character which the Korean government has always maintained. Subsequent autograph letters given by His Majesty were, in effect, the same as the first one, so far at least as the relations of Korea to China are concerned. The following is a correct translation of the letter of the King to the President of the United States.

His Majesty the King of Chosen herewith makes a communication : "Chosen has been, from ancient times, a state tributary to "China ; *yet hitherto full sovereignty has been exercised by the Kings "of Chosen in all matters of internal administration aud foreign re-"lations.* Chosen and the U. S. in establishing now by mutual con-"sent a treaty, are dealing with each other upon a basis of equality. "The King of Chosen distinctly pledges his own sovereign powers "for the complete enforcement in good faith of all the stipulations "of the treaty, *in accordance with international law.* As regards the "various duties which devolve upon Chosen as a tributary state to "China, with these the U. S. has no concern whatever. Having "appointed envoys to negotiate a treaty, it appears to be my duty, "in addition thereto, to make this preliminary declaration.

"To the President of the United States,
"May 15th 1882."

Whatever interpretation the advocates of vassalage may choose to put upon the plain, candid, and unmistakable language contained in the above letter, or however much they may attempt to twist or pervert its meaning, it is perfectly clear that the American government have given it a construction strictly in accord with its phraseology as well as spirit ; for they now hold that under the treaty of friendship and commerce which accompanied it, the question of Korea's vassalage to China has been definitely settled, so far, at least, as that government is concerned. In Paragraph 64 first vol. of Whartons digest of international law of the U. S., the following language is used by the government.

"The existence of international relations between the two "countries (the U. S. and Korea) as equal contracting parties, is to "be viewed simply as an accepted fact, "and", the independence of "Korea of China is to be regarded by the U. S. as now estab-"lished." Neither does the American government stand alone in this regard, for at least two other great powers claiming relations to the peninsula, equal in importance, politically as well as com-

mercially to those claimed by China, insist on maintaining the same sovereignty for Korea, that the U. S. does, while it is the solemn joint declaration of Japan and Korea as expressed in the first article of their treaty concluded February 1876, which declares that, "Chosen being an independent state, enjoys the same "sovereign rights as does Japan, and that their intercourse shall "thenceforward be carried on in terms of equality and cour- "tesy." Independently of the treaties which have been made with Korea, the historical relations of this country with China, under the present Dynasty, at least for the past two hundred years of its reign, do not admit the existence of any such conditions toward each other as suzerain and vassal. When these relations are held by states in the legal international acceptation of the term, that which disturbs the heart of the sovereign affects the pulse of the vassal, and yet, so far as is known, neither the wars which have been waged against China by foreign states, nor her rebellions, nor internal dissentions, have apparently disturbed or concerned Korea any more than if one nation had been located near the north pole and the other in the tropics. And yet it was the duty of Korea, as a vassal of China, to have furnished an army from her hundreds of thousands of soldiers which she has had or could have raised at any stage of her civilization, as well as munitions of war, to aid China in the hour of her greatest need; but not a soldier, gun, or dollar, seems to have crossed over from Korea for that purpose. In addition to this important fact, if such relations ever existed, they ought certainly to have left their imprint on the civilization of Korea, either upon the national emblems, coins, laws, or in some other way, as public notice to other nations of Chinas responsibility when grievances were to be redressed or wrongs atoned, as well as an acknowledgement on Korea's part of the acceptance of such relations. To those who are versed in international affairs Korea cannot be considered a dependent state, for the reason that the law and the facts have placed her in the column of sovereign and inde-

pendent states, where she will remain, unless through the force of of superior numbers she is taken out of it. Korea has the right of negotiation, a vassal state has not; Korea has concluded treaties of friendship, commerce, and navigation with other sovereign and independent states without reference to China, which a vassal cannot do, and in virtue of those treaties has dispatched public ministers to the courts of her respective treaty powers, while vassal states cannot even appoint Consuls-General but only Consuls and commercial agents. Korea has the right to declare war or peace, which a vassal cannot do, except through its suzerain. China is represented at the Korean court by a diplomatic officer, and by Consuls at all the open ports, and when the interests of the Korean government demand it they will be similarly represented in China, or friendly intercourse will surely cease to exist between the two governments. The following language of Bluntshli, a modern international jurist of great clearness, is forcibly applicable here. He says.—"Inasmuch as sovereignty tends to unity, such distinc- "tions between vassal sovereignty and sovereign sovereignty "cannot subsist long. History shows us the truth of this prin- "ciple. During the middle ages a quantity of vassal states ex- "isted both in Europe and Asia. To-day they have nearly all dis- "appeared, because they have been transformed into sovereign "states, or have been absorbed by more powerful states. Inter- "national law ought to keep an account of their developement. "It ought to respect it. It ought not to contribute to retard it by "*seeking to perpetuate the unsustainable formalities of an antiquat- "ed jurity.*"

International law will keep an account of their development too, and, in its vigilance for the rights of the weak, will keep an account of Korea also in her struggle for the maintenance of independent state-hood. After having been by the great nations of the international world literally dragged from that seclusion which had for so many centuries enveloped the little Kingdom in mys-

tery, to join the family of civilized nations under the expressed guarantee of assistance in the event of oppression or unjust treatment, those powers will surely not permit the stultification of this assurance by allowing their youngest member to be strangled at the very threshold of its international life.

China's friend and ally Korea desires to be, but her voluntary slave never. The Austro-Hungarian minister of state, M. Kalnoky, lately said.—"A vassal state in the 19th century is an anacronism." However this may be, the times will be indeed sadly out of joint when China succeeds by her peculiar methods in establishing vassalage with Korea: not only so, but when she does, a new chapter will have to be added to international jurisprudence, the principles of which such well known expounders as Grotius, Vattel, and Wheaton never comprehended.

Even for China at this late day, after yielding the point in the treaties, and, until quite recently, accquiescing in the execution of all their provisions, declining responsibility for Korea's conduct at times when responsibility stood for something, and having concluded a treaty with Korea herself, now to claim the existence of dependent relations is not only to abuse language and offend intelligence, but it is also an attempt to defy international precedents. But perhaps the most careless and inexcusable assertion in relation to this question is the one that the Korean government admits its vassalage without any qualification whatever, for nothing is further from the truth; and when the King, under well-considered advice, appointed a minister to Japan and afterwards the plenipotentaries to Europe and America, in order, if possible, to break up the pernicious meddlesomeness of the Chinese with Korean affairs; which step met with such stubborn opposition from the Peking government, as well as adverse criticism in certain public journals in the East, His Majesty emphasized, by that public act, his denial of this fallacious statement. Apparently there is no limit to the tricks and devices resorted to by the advo-

cates of vassalage.

A correspondent of the *MainichiShimbum* (Japanese journal) writing to that paper on the 17th of November last seems to have fallen a victim to one of these, for he says.—"It appears that a convention "on the appointment by Korea of ministers to foreign countries has "been concluded between her and China, and that it consists of the "following three articles. 1st The Korean Minister of State shall, "before sending a minister abroad, ask advice of the Chinese Min- "ister in Korea. 2nd Should the Korean Minister abroad have oc- "casion to communicate with the representatives of any other foreign "power in the same country on a matter of business, he shall con- "sult with the Chinese Minister in that country. 3rd The Korean "Minister of State shall, no matter what the official rank of a "Minister appointed by them to a foreign country may be, not "allow him to take precedence over the Chinese representative in "the same country." The only document which could be tortured into anything like the above articles is the following telegraphic instruction from the Viceroy to Commissioner Yuan, dated about the 5th of November last. 1st "After arriving at his post the "Korean representitive has to call at the Chinese Legation to ask "the assistance of the Minister, and to go with the Korean re- "presentative to the Foreign Office to introduce him, after which "he may call where he likes. 2nd If there happen to be festiv- "ities at court, or an official gathering, or any dinner, or the health "of someone is drunk or in meeting together, the Korean repre- "sentative has always to take a lower place than the Chinese "representative. 3rd If there happen to be any important or se- "rious questions to discuss, the Korean representative has first to "consult *secretly* with the Chinese Minister, and both have to talk "over the matter and think together. This rule is compulsory, "arising from the dependent relations, but as this does not con- "cern other governments, they will not be able to inquire into the "matter. At present this question (sending Ministers) has not

"been decided by Imperial decree. They (the Korean's) have to "be advised in a friendly spirit. China and Korea have to cher- "ish for each other feelings of relationship. Ministers are selected "from among the Mandarins of reputation, therefore confidence "and respect has to be shown to them, and this is the way Korean "representatives should treat the representatives of China. This "has to be communicated to the Korean Foreign Office, then to be "handed over to the King, who must order his representatives to "act accordingly." But notwithstanding the above commands, the King did not "order his representatives to act accordingly." His Majesty replied, substantially, that, while his ministers would be instructed to show due respect and deference to the ministers of China yet as he had appointed in pursuance of all treaties with Korea full Ministers, he could not now change their titles without giving cause for unfavourable comment as well as unjust suspicions. Having therefore appointed full Ministers they should, in their presentation at court, be governed by the rules of etiquette which govern the presentation of the Ministers from other countries; accordingly the original instructions to the Ministers, which do not contain any of the above conditions were permitted to stand.

As a matter of fact the Korean Minister to Washington, was presented to the President by the Secretary of State, and to the Secretary of State entirely independently of the Chinese Minister, which caused the latter to telegraph to the Viceroy at Tien Tsin, who in turn telegraphed to Yuan in Seoul, who, with his usual tactics, undertook to stir up the President of the Foreign Office, but all to no purpose. Neither will the Ministers to Europe be presented at court by the Chinese Ministers. Even if such an anomalous proceeding were attempted, it would hardly be carried out, for there is no country of respectability, jealous of its national honour, that will care to attempt to set the absurd and unprecedented example of receiving a plenipotentiary, envoy, or minister of

any sort from a vassal state. Even the so called memorial (letter) which the King addressed to the Emperor of China in answer to questions from Peking, explaining his reasons for as well as his right to send Ministers to Europe and America, is regarded by China and by vassalage advocates as another link in the chain which, they hope, is to bind Korea to the Celestial Empire. The trouble seems to arise from this; the language used by the King to express his tributary relations is persistently and erroneously interpreted to mean vassal relations by China and her supporters. When the King refers in the so-called memorial to the Emperor, to tributary envoys and plenipotentaries he is entirely consistent with international jurisprudence as applied by other nations in their intercourse with each other, while China's appellation of vassal envoys and plenipotentiaries is a misnomer, because entirely inconsistent with the laws of civilized nations. Such laws do not recognize vassal envoys, plenipotentiaries, or ministers of any kind, for the reason that vassal states have power to create *only* Consuls and commercial agents. In this connection there is another trick which deserves attention, and that is this: letters or documents written or translated to suit the occasion are frequently published in the press in China, purporting to be from the King of Korea, inferentially if not positively admitting Korea's vassalage. In answer to such statements I am informed, upon the very best authority, that the King has never admitted in documents or otherwise the existence of such relations, and further, if anything has been admitted by any official of the government at any time which even implies vassalage, it is without authority and void. The King knows only too well the object of the insidious conduct of China toward his country, aside from this he cannot be induced or intimidated into admitting a national fallacy. Even if dependent relations could be created by admissions, and the King, under the threatening, violent, and criminal treatment of China for two and a half years past, were to admit vassalage in the most

abject way it would not be binding upon his government, for admissions under duress are not only no evidence of a fact but they are not even admissions. Other independent states, with but few commercial interests to protect and no questions of sovereignty to settle, dispatch to foreign countries public ministers, and nothing is said against it; but when the King of Korea in accordance with the expressed stipulations in all the treaties with other independent powers does the same thing, a perfect shower of invective greets the public ear from some quarters, while from others, more mild, the act is characterized as mischievous and ill-advised and that it was forcing to the front a question which ought to have been kept in the background, while the King and his advisors turned their attention to the developing of the resources of the country. It is quite true that the question was *forced* to the front, not by the King and his advisors but by the tyranny and oppression of China, largely through the conduct of Commissioner Yuan, which for petty schemes, criminality, injustice, and brutality has seldom if ever been equalled in the annals of international intercourse. With a view to placing the heel of China on the neck of Korea, he has not only opposed almost every effort which has been made in the direction of internal developement, but he has, through the mercenary brigade which he always keeps about him, brought failure and ridicule upon almost every effort the better class of Koreans have made to transact business for the government or themselves, in order to make it appear that they are but a nation of helpless children, who can never learn business, and who, for that reason, need a Chinese guardian over them. He has threatened the King repeatedly, through certain Korean officials, with the Chinese army and navy and with the vengence of the Viceroy, in order to compel compliance with his wishes and demands, while to weaken the Royal authority in the eyes of officials and subjects alike, he has abused and trampled upon the long established and sacred customs of the court by riding in his chair, into the palace

almost up to the very entrance leading to the presence of the King, accompanied by coolies, servants, and horsemen, who, at times have conducted themselves in a disorderly manner; while in the excitement of July and August of 1886, of which he was the principal cause, and which, judging from his actions, was intended as an excuse for violent measures, arising out of his attempt to force the government to admit that the King was the author of a letter His Majesty never wrote, said to contain a request for the protection of a friendly power against the aggressions of China, the language and conduct of China's representative would have done credit to the chief of braggadocios. In some of his conduct he has been more or less applauded and encouraged by one or two foreign officials, while in *all* of his disreputable work he has been much assisted by some petty Chinese officials as well as by certain of China's gun-boats sent to the open ports in Korea for the purpose of protecting Chinese Consuls and merchants, as stipulated in their treaty, and as alleged or published in the so-called preamble of such treaty, *as a favour granted by China to a dependent state,* which have been detected in some of their attempts to smuggle red ginseng out of the country. These gun-boats, on their arrival from China, are in the habit of bringing more or less cargo which their officers demand shall be landed without examination, while the customs authorities urge the right of inspection as in ordinary cases, to see whether or not, it contains dutiable goods. Invariably the Chinese Consul takes up the side of the gun-boat people, and, in their behalf, appeals to Commissioner Yuan in Seoul, who, in turn threatens and abuses the President of the Foreign Office until the order is given to pass the goods without examination. The last case of smuggling ginseng by one of these gun-boats occurred in October, when several thousand dollars worth of the drug was seized, the largest chest of which *was covered by the seal and signature of Commissioner Yuan!* The chief Commissioner of Customs has done all in his

power to break up these lawless and fraudulent practices. He has appealed to the President of the Foreign Office, to the Viceroy at Tien Tsin and to the Inspector-General of Customs in China, to aid him in enforcing the laws and regulations of the Korean customs service, but thus far without avail. The President of the Foreign Office frankly says he is powerless as against the Chinese in these matters. Even with the fraudulent treatment it has received, the revenues for the year just closed amounts to two hundred and fifty thousand ($250,000) dollars, a sum which, under legitimate and fair treatment, would have been considerably increased, thereby avoiding the apparent necessity for some persons to waste so much false sympathy over the expenditure of a few thousand dollars in sending Ministers to Europe and America. But the culminating act of China's representative for cold blooded villainy lays in his plot, exposed in July last, to dethrone and carry off the King to make temporary room for a pliant tool. The execution of this diabolical business, involved riots, arson, bloodshed, and probable assassinations, besides imperilling the lives of all foreigners in Seoul, as well as those of many native people. Every detail of this wicked conspiracy is in the possession of the King, and which would, no doubt have been carried out but for the integrity and loyalty of Prince Min Yong Ik, one of the ablest and truest of Korean subjects, who, with the knowledge of the King had been let into the plot, and who faithfully reported its different phases from time to time to His Majesty, as well as to myself, who were enabled thereby to control and defeat it. Perhaps the most extraordinary part of this infamous business is the draft of it, which was to have been and doubtless was submitted to the Viceroy for his approval or rejection. The principal features of this draft were as follows. Native soldiers were to be drilled at Kang Wha, under the pretext of garrisoning the point against the "outside barbarian." These soldiers were to be reviewed by the Chinese representative in order that they might readily recognize

their commander at the critical moment. They were to be placed conveniently near the palace. Then the Tai Wan Kiun or ex-regent's palace or house was to be fired, and the work of the incendiary laid at the door of the King, which was to be the signal for an up-rising of the ex-regent's following who hate the Queen and her party with intense bitterness. The rioters were to attack the palace, when Commissioner Yuan was to have appeared on the ground as he did in 1884, and in command of the troops already referred to, under the pretence of quelling the rioters, was to take possession of the person of the King and carry him out of the palace; then declare the son of the King's elder brother Heir apparent, and the ex-regent, regent, until the Heir agreed upon attained his majority, thereby enabling the Chinese, under the direction of the regent, to thoroughly invest the government and country. Neither did China's representative neglect the financial part of the scheme, for he placed in the hands of a certain general three thousand taels, (about $4,500) out of which the expenses of drilling and moving the troops were to be paid. This sum was however returned to the Chinese Legation after the departure of Min Yong Ik, and the collapse of the conspiracy. The Chinese government cannot plead ignorance of the conduct of their officials in Korea, for they have been fully advised from time to time through different channels. Twice I visited Tien Tsin under authority from the King, when the fullest discussions were had with the Viceroy with respect to Yuan's extraordinary conduct, and the policy of the Peking govenment toward Korea. In my first interview in September 1886 I urged an amicable understanding between China and Russia as well as Japan in regard to the political affairs of the peninsula, as the surest means of preventing irritation and disorder; and before my return the Viceroy assured me that such an understanding would not only be reached but that China would change her representative, as Yuan was too young, not only in years but also in experience for such a post. In fact, said the Viceroy,

the position had already been tendered to the present Tao-tai of Tien Tsin, also to the Tao-tai who had just been appointed at Chefoo, but that both had declined. On the occasion of my second visit in October 1887, to discuss Korea's right to send public ministers abroad, and to open ports in the interests of trade, as well as to expose Yuan's latest villainy, if it became necessary, at one interview, finding that the Viceroy turned a deaf ear to everything reflecting in any way upon Yuan, I was about to dispose of him once for all, as I supposed, by presenting the indisputable evidences of his recent conspiracy, when, to my amazement, the Viceroy, coolly informed me that he knew all about the dethronement scheme. That while Yuan was in it, yet it was all the fault of Min Yong Ik who laid the plot and induced Yuan to go into it, and that for his stupidity in letting himself be drawn into such a thing he has been severely reprimanded. The reprimand was due, probably, not so much to Yuan's stupidity, for being drawn into it, as the Viceroy said, as to the detection and failure of his own wicked conspiracy. And still, in the face of this criminal record, Yuan continues the representative of China to Korea, in violation of the closing paragraph of the first article of the treaty between the two countries which says.—"Should any such officer disclose "waywardness, masterfulness or improper conduct of public busi- "ness, the superintendent of trade for the northern ports and the "King of Korea respectively, will notify each other of the fact "*and at once recall him.*" In view of all this, the inquiry naturally suggests itself, why is the commissioner stubbornly kept at Seoul? Is it because China, desiring to take possession of Korea, and having no excuse in the eyes of civilized nations for doing so, expects him through his violent conduct to furnish one? It is to be hoped not. Nor is this all: What must be the moral status of a government which insists on being represented at the court of a neighboring state by a smuggler, conspirator, and diplomatic outlaw? I submit the language is not too strong, in view, of the facts

and the following record applicable to them, copied from a well-known author on international law.—"Several instances are to be "found in history of ambassadors being seized and sent out of the "country. The Bishop of Ross, ambassador of Mary Queen of "Scots, was imprisoned and then banished from England for "conspiring against the sovereign, while the Duke of Norfolk "and *other conspirators were tried and executed.* In 1584, De "Mendoza the Spanish ambassador in England was ordered to quit "the realm for conspiring to introduce troops to dethrone Queen "Elizabeth. In 1684, De Bass, the French minister, was order-"ed to depart the country in twenty-four hours, on a charge of con-"spiring against the life of Cromwell. In 1717 Gyllenborg, the "Sweedish ambassador, contrived a plot to dethrone George I. He "was arrested, his cabinet broken open and searched, and his papers "seized. Sweden arrested the British minister at Stockholm by "way of reprisal. The arrest of Gyllenborg was necessary as a "measure of self-defence, but on no principle of international law "can the arrest of the British minister by Sweeden be made just-"ifiable. For similar reasons, Callamare, Spanish ambassador in "France, was in 1718, arrested, his papers seized and himself con-"ducted to the frontier by military escort. So recently as 1848, Sir "H. Bulwer, the British ambassador in Spain, had his passports re-"turned, and was requested to leave Spanish territory by the govern-"ment. Certain disturbances had taken place in certain parts of "Spain, and the government persuaded themselves that Sir H. "Bulwer had lent his assistance to the disaffected."—And had the Korean government possessed the national strength to enforce their rights, another case of far more recent date would have been added to the above list in the person of Commissioner Yuan. The Chinese authorities seemed to be considerably exercised over the surrender of Kim Ok Kiun by the Japanese government, in order, that he might be justly punished for his conspiracies; and who would doubtless have been willingly given up by that government

were not international precedents against the surrender of political offenders, and yet the conspiracies of the Chinese representative are of a far graver character than those of Kim Ok Kiun, for the former's were directed against the King, the head and front of all government in the Kingdom, while the latter's were directed more against certain high officials than otherwise. If the Chinese authorities were sincere in their efforts to have Kim Ok Kiun properly punished for his crimes, then they surely will not condone the greater offence of their own representative against the King now. The oppressive conduct of China is not confined alone to her small officials in Korea, nor to those who periodically visit the country in gun-boats, for it extends to Tien Tsin and Peking. After my return from the north, where I went to inspect the natural resources of that part of Korea, I recommended among other things that, as Ping An is the center of a large section of country rich in agricultural and mineral wealth, legitimate trade would be encouraged and increased, the customs revenues largely augmented, the smuggling carried in and out the Ta Tong river checked, while the preliminary work of opening the valuable coal and other mines located near there—already determined upon by the government—would be facilitated by establishing an open port at or near the city. The proposition was also warmly supported by the Chief Commissioner of Customs, and subsequently that efficient officer was instructed by the King to take the preliminary steps. A steamer was dispatched with a customs officer on board to survey the river, and to locate the port at the nearest practical point to Ping An. While this work was going on, the Chief Commissioner was informed by Yuan that the Viceroy Li, would not permit a port to be opened at that place. The Chief Commissioner humiliated by this unjust and unwarrantable interference was compelled to direct the vessel with the customs officer to return. At first, the King declined to believe that such an order could emanate from the Viceroy, but direct communication with

the Chung Tang, through myself, confirmed the statement of China's representative. In the discussion of this subject the Viceroy based his objections upon the erroneous and illogical grounds that, as Ping An is near the port of New Chwang in China, an open port there would seriously interfere with Chinese trade. In the first place New Chwang is several hundred miles from Ping An, and secondly, there is not annually a thousand dollars worth of trade carried on between the two points. But if there were even one million dollars worth or ten for that matter, are the revenues of the Korean government entitled to no consideration from China, or was it the object of the Peking government in getting control of the customs service of Korea to so direct and manipulate it, as to make the natural resources and wealth of the country subserve the interests of China instead of Korea? The right of every state to increase its wealth, population, and power by opening ports for the stimulation and encouragement of trade, the extension of its navigation, the improvement of its revenues, arts, agriculture, and commerce, is incontrovertible and is recognized by every civilized nation under the sun, and the sooner China is compelled to recognize the fact also the better it will be for the family of nations, whose comity and friendship she essays to share, as well as for her own interests. Neither do the commands of the Viceroy stop at opening ports, for His Excellency asserts, without a stammer or a blush, that Korea cannot negotiate loans with which to aid in the developement of the natural resources of the country or transact in her own way, as she has for centuries past, the business of the government without first asking and obtaining the consent of China. In view of such a long train of cruel, unjust, and tyranical conduct as is here presented, China's professions of friendship for Korea under the claim of vassalage become simply monstrous in their sincerity. Nor do the mischievous consequences of such meddlesomeness stop here. For if the Viceroy, in his commands to the Korean government, can practically defeat the commercial part of the treaties made with other coun-

tries, His Excellency can by similar commands nullify every stipulation of those agreements, whether they apply to the appointment of public ministers, opening ports for convenience of trade, the collection of duties, or the rights of citizens and subjects of the treaty powers whether of person or property. How long the treaty rights of other countries, and the lives of their nationals are to be jeapordized and trifled with or how far China will be permitted to go in the direction she now seems to be headed before a halt is called, depends entirely upon the faith and value other powers besides the U. S. attach to their stipulations with Korea. I say other powers besides the U. S., because that government, with no political interests in the peninsula to protect, has through their distinguished Secretary of State, having in mind the faith pledged in the first article of the American treaty, informed China that as the former has concluded a treaty of friendship and commerce with Korea on the basis of a sovereign and independent state, she expects the rights and privileges so acquired to be respected. Were the national autonomy of China endangered, or the rights and immunities of her subjects threatened with destruction by the continued independence of Korea, and China were, for that reason, to proceed openly to annex the country instead of assuming relations with it which do not exist, and endeavoring by false pretences to sustain the assumption, the case would be different. For the right of self-preservation is just as inherent in a nation as it is in individuals, while the most solemn and responsible obligation it owes to its people is the guarantee of all their rights under a stable and well administered government. The King having appointed and dispatched public ministers to all countries in treaty relations with Korea—a course so fatal to the claims of vassalage—the time has surely come for China to quit masquerading with the "Korean question", and frankly announce in unmistakable terms her policy towards the peninsula. For until the question is settled one way or the other, it will not only continue as now, to be a

very serious and disturbing element in the politics of the East, but it will delay if not prevent internal developement and the reformation of long established abuses in Korea; but with the question settled in favour of the continued independence of the country, and entire responsibility for the duties and obligations already assumed through its international agreements, and with labour made honorable by Royal decree and idleness condemned as it is in Western countries, where the fact is recognized that the only key to real greatness, permanent prosperity, and national strength, lies in the recognition of the truth that to engage in all branches of labour and business enterprises is not only respectable but laudable and worthy of the highest commendation and encouragement. Then with the idle Yangban class (so-called gentlemen) which are now feeding upon and exhausting the labour of the country, because it is considered dishonorable to work, compelled to earn the bread they eat, and the agricultural classes stimulated and encouraged by the protection of their surplus products, from the *squeezing* and other illegal exactions now laid upon it, —sure to follow sooner or later under settled political conditions— Korea would then enter upon that era of prosperity which the natural wealth of the country so justly merits. A few words now in reply to the stale charge that the King is weak and vacillating in character, and I leave the subject of Korea's sovereignty and grievances to those who are able to protect and right them; and upon this point, two years experience as His Majesty's foreign advisor and Vice President of the Home Office (privy council) should enable me to speak advisedly. For during that time some of the most trying phases of the Korean problem have presented themselves for solution, and through them all the King has shown a firmness, cheerfulness, and patience, worthy of any ruler of a great nation. Often his language and bearing have indicated much anxiety, but never weakness or anger. It is true that, since Korea's contact with Western people, dazzled by the glitter and novelty of the

change, and encouraged by the smooth words of adventurers and some unscrupulous persons, the government have been led into undertaking impracticable ventures, whose failures have created a reputation for extravagance and fickleness which will perhaps take years of prudence and economy to remove; but every Asiatic nation has had to pass through such an experience, and Korea must have hers also. After dispatching the ministers to Europe and America against the Imperial protests of China, the King ought not to be longer accused of either fear or a want of firmness of character. His Majesty received the protest with that quiet dignity which had characterized his bearing in other important matters, and after hearing and carefully weighing China's objections—relying on his rights as expressed in and guaranteed by the treaties as well as by international law—the ministers were ordered to leave for their respective posts, against the ultimatum of the Peking government, the positive conditions prescribed by the Viceroy as well as in the face of the blustering conduct and diplomatic antics of Commissioner Yuan, supplemented by the persistent efforts of a few cowardly Korean officials, whose well beaten track between the palace and the Chinese Legation indicates the character, of their patriotism as well as of their devotion to their King. No, from my own knowledge I should rather say that His Majesty is far too strong a character to suit those whose purposes it serves not to have it so. It must be borne in mind also, that His Majesty has no Kingdom to gain through an arrogant exhibition of *strength* of character, but he has one to lose through an exhibition of weakness or fear. The King's character for universal kindness may have been mistaken for weakness; even some of his subjects say His Majesty is too kind for the good of the public service. His habits are those of perfect sobriety and industry, and being progressive in his nature he is constantly seeking information which will aid him in directing his subjects into those paths that lead to the higher planes of civilization which have done so much to

humanize and christianize the Western world. Unfortunately in this great work, the King, with a few exceptions stands alone. Those who are in sympathy with Western progress are, as a rule, without influence or following, while those who possess both, adhere to the tradition of the past with a loyalty worthy of better things.

Under these circumstances, the King of Korea surely deserves the sympathy and support of all good people.

O. N. DENNY.

SEOUL, KOREA,

February 3rd, 1888.